

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant | : | Scott C. Harris | Group Art Unit 2132 |
| Appl. No. | : | 09/577,449 | |
| Filed | : | May 24, 2000 | |
| For | : | USING BIOMETRICS AS AN ENCRYPTION KEY | |
| Examiner | : | K. H. Shin | |

Declaration of Scott C. Harris

I, Scott C. Harris do hereby declare as follows.

I am the inventor of the above referenced case.

This declaration is made to declare the facts as they are recalled to me on this date, to preserve the record, I would like to mention the way in which the abandonment of this case was discovered by the undersigned. On June 7, 2007, the undersigned was watching television in a hotel room in Toronto. Something that was said on the television program reminded me of biometrics and that I had not worked on this application for quite a while. This reminded me of this patent application. I immediately went to private pair, looked up the patent application record, and discovered that it was abandoned. This surprised me, since I did not ever intend the application to become abandoned.

I also note that the notice of abandonment had a note from the Examiner stating that "abandonment was confirmed with applicant's representative, Harris ... phone number... on ...2005."

I have no specific recollection of receiving any phone call, or confirming any abandonment. I do not deny that such phone call may have occurred, but it is my usual practice with such phone calls to simply check to see if the application had a response that was filed, and if not, to indicate to the Examiner "I can only confirm to you that a response to the official action has not been filed". I have no recollection if that is what I did in this case or not, I only know that I did not intend the application to become abandoned. My usual practice is then to note these calls and check on the application later. I apparently did not do that here. I do not recall why not. Certainly, I knew that I did not want this application to become abandoned.

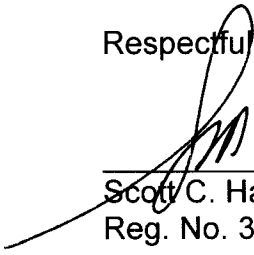
Again I repeat, I did not intend for this application to become abandoned. If the Examiner did in fact, call me, then through unintentional error, I made no note of said call. I am not entirely sure if I did, or did not, receive the official action dated January 26, 2005. I have no docketing record of receiving it, but I usually just save over my old dockets with new dockets.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

No fees are believed necessary beyond those already paid via EFS. However, please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 6/11/07



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